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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s):

TIMOTHY J. MARTINS ET AL.

Serial No. 09/717,956

Filed: November 21, 2000

)  
Title: CYCLIC AMP-SPECIFIC  
PHOSPHODIESTERASE INHIBITORS  
)  
Attorney Docket No. 27866/36510  
)

**TRANSMITTAL OF EXECUTED DECLARATION**

*Commissioner for Patents*  
*Washington, D.C. 20231*

**Attention: BOX MISSING PART**

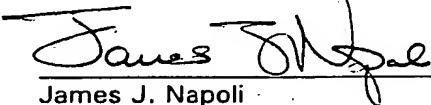
Sir:

Submitted herewith is an executed Declaration for filing in the above-identified application, in response to the Notice to File Missing Parts issued by the Patent and Trademark Office on May 25, 2001.

---

**CERTIFICATE OF MAILING (37 CFR 1.8)**

I hereby certify that this paper and the documents referred to as enclosed therewith are being deposited with the United States Postal Service as first class mail, postage prepaid, on June 11, 2001, in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231.

  
\_\_\_\_\_  
James J. Napoli

Also enclosed is a copy of the Notice together with our check in the amount of \$65.00 in payment of the fee.

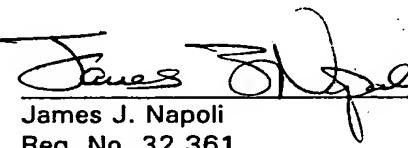
The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 13-2855. A copy of this request is enclosed.

Please refund any overpayment to Marshall, O'Toole, Gerstein, Murray & Borun at the address below.

Respectfully submitted,

MARSHALL, O'TOOLE, GERSTEIN,  
MURRAY & BORUN  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6402  
(312) 474-6300

By:

  
James J. Napoli  
Reg. No. 32,361

June 11, 2001



**UNITED STATES PATENT AND TRADEMARK OFFICE**

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/717,956	11/21/2000	Timothy J. Martins	27866/36510

**CONFIRMATION NO. 1627**

04743  
 MARSHALL, O'TOOLE, GERSTEIN, MURRAY & BORUN  
 6300 SEARS TOWER  
 233 SOUTH WACKER DRIVE  
 CHICAGO, IL 60606-6402

**FORMALITIES LETTER**



\*OC00000006119224\*

Docketed: 7/25/01 Date Mailed: 05/25/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

***Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

*C.V.*

Customer Service Center  
 Initial Patent Examination Division (703) 308-1202  
 PART 1 - ATTORNEY/APPLICANT COPY

## DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "CYCLIC AMP-SPECIFIC PHOSPHODIESTERASE INHIBITORS," the specification of which (check one):  is attached hereto;  was filed on November 21, 2000, as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable);  was filed as PCT International Application No. \_\_\_\_\_ on \_\_\_\_\_ and was amended under Article 19 on \_\_\_\_\_ (if applicable). I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

			Priority Claimed
(Application Serial Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

(Application Serial Number)	(Day/Month/Year Filed)

(Application Serial Number)	(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

09/471,846	23/12/99	Pending
(Application Serial Number)	(Day/Month/Year Filed)	(Status-Patented, Pending or Abandoned)

(Application Serial Number)	(Day/Month/Year Filed)	(Status-Patented, Pending or Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

\*POWER OF ATTORNEY: I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Alvin D. Shulman (19.412)  
 Allen H. Gerstein (22.218)  
 Nate F. Scarpelli (22.320)  
 Edward M. O'Toole (22.477)  
 Michael F. Borun (25.447)  
 Trevor B. Joike (25.542)  
 Carl E. Moore, Jr. (26.487)

Richard H. Anderson (26.526)  
 Patrick D. Ertel (26.877)  
 James P. Zeller (28.491)  
 William E. McCracken (30.195)  
 Richard A. Schnurr (30.890)  
 Anthony Nimmo (30.920)  
 Christine A. Dudzik (31.245)

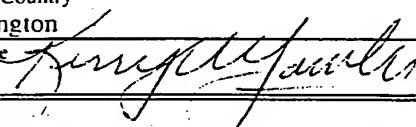
Kevin D. Hogg (31.839)  
 Jeffrey S. Sharp (31.879)  
 Martin J. Hirsch (32.237)  
 James J. Napoli (32.361)  
 Richard M. La Barge (32.254)  
 Li-Hsien Rin-Laures, M.D. (33.547)  
 Douglass C. Hochstetler (33.710)

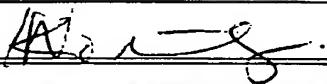
Robert M. Gerstein (34.824)  
 David W. Clough (36.107)  
 James A. Flight (37.622)  
 Roger A. Heppermann (37.641)  
 David A. Gass (38.153)  
 Gregory C. Mayer (38.238)

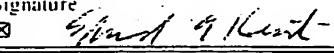
Send correspondence to: James J. Napoli

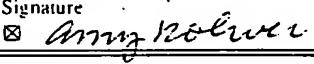
FIRM NAME	PHONE NO.	STREET	CITY & STATE	ZIP CODE
Marshall, O'Toole, Gerstein, Murray & Borun	312-474-6300	6300 Sears Tower 233 South Wacker Drive	Chicago, Illinois	60606-6402

Full Name of First or Sole Inventor <b>Timothy J. Martins</b>	Citizenship <b>United States of America</b>
Residence Address - Street <b>3115 209th Street SE</b>	Post Office Address - Street <b>3115 209th Street SE</b>
City (Zip) <b>Bothell (98021)</b>	City (Zip) <b>Bothell (98021)</b>
State or Country <b>Washington</b>	State or Country <b>Washington</b>
Date <input checked="" type="checkbox"/> <b>11/27/2000</b>	Signature 

Second Joint Inventor, if any <b>Kerry W. Fowler</b>	Citizenship <b>United States of America</b>
Residence Address - Street <b>747 North 66th Street</b>	Post Office Address - Street <b>747 North 66th Street</b>
City (Zip) <b>Seattle (98103)</b>	City (Zip) <b>Seattle (98103)</b>
State or Country <b>Washington</b>	State or Country <b>Washington</b>
Date <input checked="" type="checkbox"/> <b>27 Nov. 2000</b>	Signature 

Third Joint Inventor, if any <b>Joshua Odingo</b>	Citizenship <b>Kenya</b>
Residence Address - Street <b>335 Heather Road</b>	Post Office Address - Street <b>335 Heather Road</b>
City (Zip) <b>Everett (98203)</b>	City (Zip) <b>Everett (98203)</b>
State or Country <b>Washington</b>	State or Country <b>Washington</b>
Date <input checked="" type="checkbox"/> <b>11-27-2000</b>	Signature 

Fourth Joint Inventor, if any <b>Edward A. Kesicki</b>	Citizenship <b>United States of America</b>
Residence Address - Street <b>2504 208th Place SE</b>	Post Office Address - Street <b>2504 208th Place SE</b>
City (Zip) <b>Bothell (98021)</b>	City (Zip) <b>Bothell (98021)</b>
State or Country <b>Washington</b>	State or Country <b>Washington</b>
Date <input checked="" type="checkbox"/> <b>11/27/2000</b>	Signature 

Fifth Joint Inventor, if any Amy Oliver	Citizenship United States of America
Residence Address - Street 3312 189th Place SE	Post Office Address - Street 3312 189th Place SE
City (Zip) Bothell (98021) 98012 Arc	City (Zip) Bothell (98021) 98012 Arc
State or Country Washington	State or Country Washington
Date <input checked="" type="checkbox"/> Nov. 27, 2000	Signature 

Sixth Joint Inventor, if any Laurence E. Burgess	Citizenship United States of America
Residence Address - Street 5562 High Country Court	Post Office Address - Street 5562 High Country Court
City (Zip) Boulder (80301)	City (Zip) Boulder (80301)
State or Country Colorado	State or Country Colorado
Date <input checked="" type="checkbox"/>	Signature 

Seventh Joint Inventor, if any John J. Gaudino	Citizenship United States of America
Residence Address - Street 4224 Prairie Fire Circle	Post Office Address - Street 4224 Prairie Fire Circle
City (Zip) Longmont (80503)	City (Zip) Longmont (80503)
State or Country Colorado	State or Country Colorado
Date <input checked="" type="checkbox"/>	Signature 

Eighth Joint Inventor, if any Zachary S. Jones	Citizenship United States of America
Residence Address - Street 2939 West 81st Avenue	Post Office Address - Street 2939 West 81st Avenue
City (Zip) Westminster (80031)	City (Zip) Westminster (80031)
State or Country Colorado	State or Country Colorado
Date <input checked="" type="checkbox"/>	Signature 

Ninth Joint Inventor, if any Bradley J. Newhouse	Citizenship United States of America
Residence Address - Street 208 Powderhorn Trail	Post Office Address - Street 208 Powderhorn Trail
City (Zip) Broomfield (80020)	City (Zip) Broomfield (80020)
State or Country Colorado	State or Country Colorado
Date <input checked="" type="checkbox"/>	Signature 

Tenth Joint Inventor, if any Stephen T. Schlachter	Citizenship United States of America
Residence Address - Street 4882 Dakota Boulevard	Post Office Address - Street 4882 Dakota Boulevard
City (Zip) Boulder (80304)	City (Zip) Boulder (80304)
State or Country Colorado	State or Country Colorado
Date <input checked="" type="checkbox"/>	Signature 

## APPLICABLE RULES AND STATUTES

### 37 CFR 1.56. DUTY OF DISCLOSURE - INFORMATION MATERIAL TO PATENTABILITY (Applicable Portion)

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office.

Information relating to the following factual situations enumerated in 35 USC 102 and 103 may be considered material under 37 CFR 1.56(a).

### 35 U.S.C. 102. CONDITIONS FOR PATENTABILITY: NOVELTY AND LOSS OF RIGHT TO PATENT

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or,

(c) he has abandoned the invention, or

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraph (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or

(f) he did not himself invent the subject matter sought to be patented, or

(g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

### 35 U.S.C. 103. CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER (Applicable Portion)

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

### 35 U.S.C. 112. SPECIFICATION (Applicable Portion)

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

## DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "CYCLIC AMP-SPECIFIC PHOSPHODIESTERASE INHIBITORS," the specification of which (check one):  is attached hereto;  was filed on November 21, 2000, as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable);  was filed as PCT International Application No. \_\_\_\_\_ on \_\_\_\_\_ and was amended under Article 19 on \_\_\_\_\_ (if applicable). I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56.

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			Priority Claimed
(Application Serial Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> <input type="checkbox"/> Yes No
			<input type="checkbox"/> <input type="checkbox"/> Yes No

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

(Application Serial Number)	(Day/Month/Year Filed)

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09/471,846	23/12/99	Pending
(Application Serial Number)	(Day/Month/Year Filed)	(Status-Patented, Pending or Abandoned)

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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 David A. Gass (38.153)  
 Gregory C. Mayer (38.238)

**Send correspondence to:** James J. Napoli

FIRM NAME	PHONE NO.	STREET	CITY & STATE	ZIP CODE
Marshall, O'Toole, Gerstein. Murray & Borun	312-474-6300	6300 Sears Tower 233 South Wacker Drive	Chicago, Illinois	60606-6402

Full Name of First or Sole Inventor <b>Timothy J. Martins</b>	Citizenship <b>United States of America</b>
Residence Address - Street <b>3115 209th Street SE</b>	Post Office Address - Street <b>3115 209th Street SE</b>
City (Zip) <b>Bothell (98021)</b>	City (Zip) <b>Bothell (98021)</b>
State or Country <b>Washington</b>	State or Country <b>Washington</b>
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/>

Second Joint Inventor, if any <b>Kerry W. Fowler</b>	Citizenship <b>United States of America</b>
Residence Address - Street <b>747 North 66th Street</b>	Post Office Address - Street <b>747 North 66th Street</b>
City (Zip) <b>Seattle (98103)</b>	City (Zip) <b>Seattle (98103)</b>
State or Country <b>Washington</b>	State or Country <b>Washington</b>
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/>

Third Joint Inventor, if any <b>Joshua Odingo</b>	Citizenship <b>Kenya</b>
Residence Address - Street <b>335 Heather Road</b>	Post Office Address - Street <b>335 Heather Road</b>
City (Zip) <b>Everett (98203)</b>	City (Zip) <b>Everett (98203)</b>
State or Country <b>Washington</b>	State or Country <b>Washington</b>
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/>

Fourth Joint Inventor, if any <b>Edward A. Kesicki</b>	Citizenship <b>United States of America</b>
Residence Address - Street <b>2504 208th Place SE</b>	Post Office Address - Street <b>2504 208th Place SE</b>
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State or Country <b>Washington</b>	State or Country <b>Washington</b>
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/>

Fifth Joint Inventor, if any Amy Oliver	Citizenship United States of America
Residence Address - Street 3312 189th Place SE	Post Office Address - Street 3312 189th Place SE
City (Zip) Bothell (98021)	City (Zip) Bothell (98021)
State or Country Washington	State or Country Washington
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/>

Sixth Joint Inventor, if any Laurence E. Burgess	Citizenship United States of America
Residence Address - Street 5562 High Country Court	Post Office Address - Street 5562 High Country Court
City (Zip) Boulder (80301)	City (Zip) Boulder (80301)
State or Country Colorado	State or Country Colorado
Date <input checked="" type="checkbox"/> 11-29-00	Signature <input checked="" type="checkbox"/> <i>Laurence E. Burgess</i>

Seventh Joint Inventor, if any John J. Gaudino	Citizenship United States of America
Residence Address - Street 4224 Prairie Fire Circle	Post Office Address - Street 4224 Prairie Fire Circle
City (Zip) Longmont (80503)	City (Zip) Longmont (80503)
State or Country Colorado	State or Country Colorado
Date <input checked="" type="checkbox"/> 11/29/00	Signature <input checked="" type="checkbox"/> <i>J.J. Gaudino</i>

Eighth Joint Inventor, if any Zachary S. Jones	Citizenship United States of America
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State or Country Colorado	State or Country Colorado
Date <input checked="" type="checkbox"/> 11-29-00	Signature <input checked="" type="checkbox"/> <i>Zachary S. Jones</i>

Ninth Joint Inventor, if any Bradley J. Newhouse	Citizenship United States of America
Residence Address - Street 208 Powderhorn Trail	Post Office Address - Street 208 Powderhorn Trail
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State or Country Colorado	State or Country Colorado
Date <input checked="" type="checkbox"/> 11/29/00	Signature <input checked="" type="checkbox"/> <i>Bradley J. Newhouse</i>

Tenth Joint Inventor, if any Stephen T. Schlachter	Citizenship United States of America
Residence Address - Street 4882 Dakota Boulevard	Post Office Address - Street 4882 Dakota Boulevard
City (Zip) Boulder (80304)	City (Zip) Boulder (80304)
State or Country Colorado	State or Country Colorado
Date <input checked="" type="checkbox"/> 11-29-00	Signature <input checked="" type="checkbox"/> <i>Stephen T. Schlachter</i>

## APPLICABLE RULES AND STATUTES

### 37 CFR 1.56. DUTY OF DISCLOSURE - INFORMATION MATERIAL TO PATENTABILITY (Applicable Portion)

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office.

Information relating to the following factual situations enumerated in 35 USC 102 and 103 may be considered material under 37 CFR 1.56(a).

### 35 U.S.C. 102. CONDITIONS FOR PATENTABILITY: NOVELTY AND LOSS OF RIGHT TO PATENT

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or  
(c) he has abandoned the invention, or  
(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraph (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or

(f) he did not himself invent the subject matter sought to be patented, or  
(g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

### 35 U.S.C. 103. CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER (Applicable Portion)

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

### 35 U.S.C. 112. SPECIFICATION (Applicable Portion)

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.